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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.928 OF 2005
IN
SUIT NO.910 OF 2005

Vijaykumar Lingaih Kommanna Baina).. Plaintiff

Versus

Smt.Lilla Ammuttu Oganiya).. Defendant

Mr.Anil R. Mishra for the Plaintiff.

None present for the Defendant.

CORAM : SMT. NISHITA MHATRE, J.

DATED : 27TH JUNE 2006

P.C.:

. The present Motion has been taken out by the Plaintiff for appointment of the Court Receiver and for a further direction to take possession of the suit premises and handing them over to the Plaintiff.

2. It appears that pursuant to the orders passed by this Court, the Court Receiver has now taken forcible possession of the suit premises from the occupants. The Court Receiver has taken possession on 23rd June 2006.

3. The Plaintiff now contends that he be put in possession of the suit premises.

4. A perusal of the agreement between the Plaintiff and the Defendant shows that the Plaintiff has paid the consideration for the suit premises. It appears that he was forcibly dispossessed by the Defendant. The electricity meter is in the name of the Plaintiff. The Plaintiff is also paying other maintenance charges in respect of the suit premises.

5. In my view, therefore, there would be be no hurdle in directing the Court Receiver to put the Plaintiff in possession of the suit premises by way of an interlocutory order.

6. Notice of Motion made absolute in terms of prayer clause (a) of the Motion.

7. The Court Receiver is directed to put the Plaintiff in possession of the suit premises within a week from today without payment of royalty.